## **OPINION 789**

# REJECTION OF THE PAMPHLET BY J. HÜBNER, 1808, ENTITLED ERSTE ZUTRÄGE ZUR SAMMLUNG EXOTISCHER **SCHMETTERLINGE**

RULING.—(1) It is hereby Ruled that the incomplete pamphlet of Jacob Hübner, dated 1808, entitled Erste Zuträge zur Sammlung exotischer Schmetterlinge, has not been published within the meaning of Article 8 of the Code, and therefore that neither the generic nor the specific names used in that pamphlet are available for nomenclatorial purposes.

(2) Under the plenary powers all designations of type-species for the nominal genus Hypercompe Hübner, [1819], made prior to the present Ruling are hereby set aside, and the nominal species Phalaena icasia Cramer, 1777, is hereby

designated to be the type of that genus.

(3) The generic name Hypercompe Hübner, [1819] (gender : neuter), typespecies, by designation under the plenary powers in (2) above, Phalaena icasia Cramer, 1777, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 1738,

(4) The specific name icasia Cramer, 1777, as published in the binomen Phalaena icasia (type-species of Hypercompe Hübner, [1819]) is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2172.

(5) The following entry is hereby made on the Official Index of Rejected and Invalid Works in Zoological Nomenclature with the Title Number 72:

Hübner, J., 1808. Erste Zuträge zur Sammlung exotischer Schmetterlinge (rejected for nomenclatorial purposes because not properly published in the manner prescribed by Article 8 of the Code).

(6) The following generic names are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Numbers

specified:

- (a) Achatia Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1825);
- (b) Agrotis Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1826);
- (c) Apatele Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1827):
- (d) Ascalapha Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1828);
- (e) Blephara Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1829):
- (f) Blepharum Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1830);
- (g) Blepharidia Püngeler, 1900 (a junior homonym of Blepharidia Hübner, 1822) (Name No. 1831);
- (h) Chrysaor Hübner, [1809] (a junior homonym of Chrysaor Montfort, 1808) (Name No. 1832);

 (i) Chrysaor Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1833);

(j) *Diphthera* Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1834);

- (k) Diphthera Sluiter, 1888 (a junior homonym of Diphthera Hübner, [1809]) (Name No. 1835);
- Elasmion Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1836);
- (m) Elasmia Hübner, 1822 (an incorrect original spelling for Elasmion Hübner, 1822) (Name No. 1837);
- (n) Epirrita Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1838);
- (o) Erastria Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1839);
- (p) Erastria Ochsenheimer, 1816 (a junior homonym of Erastria Hübner, [1813]) (Name No. 1840);
- (q) Erpyzon Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1841);
- (r) Euclidia Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1842);
- (s) Glaucopis Fabricius, 1807 (a junior homonym of Glaucopis Gmelin, 1788) (Name No. 1843);
- (t) Glaucopis Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1844);
- (u) Glaucopis Bonaparte, 1854 (a junior homonym of Glaucopis Gmelin, 1788) (Name No. 1845);
- (v) Gloee Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1846);
- (w) Glaea Curtis, 1829 (an incorrect spelling for Gloia Hübner, 1822) (Name No. 1847);
- (x) Hamadryas Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1848);
- (y) Hamadryas Mikan, 1821 (a junior homonym of Hamadryas Hübner, [1806]) (Name No. 1849);
- (z) Hamadryas Boisduval, 1832 (a junior homonym of Hamadryas Hübner, [1806]) (Name No. 1850);
- (aa) Hamadryas Cantor, 1838 (a junior homonym of Hamadryas Hübner, [1806]) (Name No. 1851);
- (bb) Hamadryas Lesson, 1840 (a junior homonym of Hamadryas Hübner, [1806]) (Name No. 1852);
- (cc) Hamadryas Albers, 1850 (a junior homonym of Hamadryas Hübner, [1806]) (Name No. 1853);
- (dd) Hamadryas Clemens, 1864 (a junior homonym of Hamadryas Hübner, [1806]) (Name No. 1854);
- (ee) Heliaca Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1855);

- (ff) Heliaca Herrich-Schäffer, [1851] (a junior homonym of Heliaca Hübner, 1822) (Name No. 1856);
- (gg) Heliothis Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1857);
- (hh) *Hipocrita* Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1858);
  - (ii) *Hipocrita* Hübner, [1810] (an incorrect spelling for *Hypocrita* Hübner, [1807]) (Name No. 1859);
- (jj) Hypocrita Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1860);
- (kk) *Hypocrita* Saussure, 1868 (a junior homonym of *Hypocrita* Hübner, [1807]) (Name No. 1861);
- (II) Hypercompe Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1862);
- (mm) *Idia* Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1863);
  - (nn) *Idia* Lamouroux, 1816 (a junior homonym of *Idia* Hübner, [1813]) (Name No. 1864);
  - (00) *Idia* Wiedemann, 1820 (a junior homonym of *Idia* Hübner, [1813]) (Name No. 1865);
  - (pp) *Idia* Fieber, 1866 (a junior homonym of *Idia* Hübner, [1813]) (Name No. 1866);
  - (qq) Jaspidia Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1867);
  - (rr) Mancipium Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1868);
  - (ss) Najas Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1869);
  - (tt) Nereis Hübner, [1806] (a junior homonym of Nereis Linnaeus, 1758) (Name No. 1870);
  - (uu) Nereis Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1871);
  - (vv) Nereis Conrad, 1860 (a junior homonym of Nereis Linnaeus, 1758) (Name No. 1872);
- (ww) Nereis Warren, 1908 (a junior homonym of Nereis Linnaeus, 1758) (Name No. 1873);
- (xx) Oreas Hübner, [1807] (a junior objective synonym of Haetera Fabricius 1807) (Name No. 1874);
- (yy) Oreas Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1875);
- (zz) Oreas Montfort, 1808 (a junior homonym of Oreas Hübner, [1807]) (Name No. 1876);
- (aaa) Oreas Desmarest, 1822 (a junior homonym of Oreas Hübner, [1807]) (Name No. 1877);
- (bbb) Oreas Agassiz, 1846 (a junior homonym of Oreas Hübner, [1807]) (Name No. 1878);

- (ccc) Palpita Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1879);
- (ddd) Petrophora Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1880);
- (eee) *Ptilodon* Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1881);
- (fff) *Prophyla* Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1882);
- (ggg) Rusticus Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1883);
- (hhh) Sphecomorpha Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1884);
  - (iii) Terpne Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1885);
  - (jjj) Tetrachila Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1886);
- (kkk) Tribonophora Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1887);
  - (III) Xanthia Hübner, 1808 (included in a work rejected for nomenclatorial purposes) (Name No. 1888);
- (mmm) Xanthia Fairmaire, 1893 (a junior homonym of Xanthia Ochsenheimer, 1816) (Name No. 1889).

# HISTORY OF THE CASE (Z.N.(S.) 1611)

The present case was submitted to the office of the Commission by Dr. 1. W. B. Nye in July 1963. Dr. Nye's application was sent to the printer on 17 October 1963 and was published on 25 March 1964 in *Bull. zool. Nomencl.* 21: 58-80. Public Notice of the possible use of the plenary powers in the designation of a type-species for *Hypercompe* Hübner, [1819], was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* 21: 184) and to eight entomological serials.

The proposals were supported by Prof. M. Beier, Dr. D. F. Hardwick, Dr. E. L. Todd, Dr. I. F. B. Common (Bull. zool. Nomencl. 21: 333-335), Mr. W. H. T. Tams (ibid. 22: 137-8), Mr. A. Watson, Dr. H. Inoue, Mr. R. J. Collins and Mr. D. S. Fletcher. Objections were received from Dr. Ch. Boursin (ibid. 21: 333), Dr. E. Berio (ibid. 22: 154-5, 341-2), Dr. L. Sheljuzhko, Dr. W. Forster, Dr. H. Reisser, Dr. F. Kasy and Dr. H. J. Hannemann.

In December 1965 Dr. Nye provided a correction to his application as follows: "There is a use of *Idia* by Hübner, [1813], which antedates that by Lamouroux, 1816. The application should therefore be amended as follows:

- (u) *Idia* Hübner [1806], Tentamen: 2. Used in a work rejected for nomenclatorial purposes in Opinions 97 and 278.
  - Idia Hübner, 1808, Erste Zutr.: 5, nomen nudum until [1809]-[1813], Zutr. Samml. exot. Schmett. 1: fig. 131-132. Used in an unpublished work and therefore to be placed on the Official Index of Rejected and Invalid Generic Names in Zoology.

Idia Hübner [1813], Samml. exot. Schmett. 1: pl. [212] (gender: feminine) (type-species, by monotypy: Noctua aemula [Denis & Schiffermüller] [1775], Ankündung Syst. Werkes Schmett. Wien: 314) (Class Insecta, Order Lepidoptera).

To be placed on the Official List of Generic Names in Zoology.

Idia Lamouroux, 1816, Hist. Polyp.: 199. A junior homonym of Idia Hübner [1813] and therefore to be placed on the Official Index of Rejected and Invalid Generic Names in Zoology."

At the request of Professor Mayr, Dr. Nye listed the homonyms of the names

dealt with in his applications:

- (d) Ascalapha Anderson, 1872, as cited in Neave is an incorrect spelling of Ascalaphia Geoffroy, 1837, and not a homonym of Ascalapha Hübner.
- (f) Blepharum Thomson, 1878 (Coleoptera)—has been replaced by Euleptodema Obenberger, 1928.
  - Blepharidia Püngeler, 1900 (Lepidoptera)—a junior homonym of Blepharidia Hübner—to be placed on the Official Index.
- (h) Diphthera Sluiter, 1888 (Coelenterata)—to be placed on the Official Index.
- (k) Erastria Ochsenheimer, 1816 (Lepidoptera)—to be placed on the Official Index.
- (n) Glaucopis Fabricius, 1807—already included in application.

  Glaucopis Bonaparte, 1854 (Aves)—to be placed on the Official Index.
- (p) Hamadryas Mikan, 1821 (Lepidoptera); Hamadryas Boisduval, 1832 (Lepidoptera); Hamadryas Cantor, 1838 (Reptilia); Hamadryas Lesson, 1840 (Mammalia); Hamadryas Albers, 1850 (Mollusca); Hamadryas Clemens, 1864 (Lepidoptera)—all junior homonyms and to be placed on the Official Index.
- (q) Heliaca Herrich-Schäffer, [1851] (Lepidoptera)—to be placed on the Official Index.
- (s) Hypocrita Saussure, 1868 (Orthoptera)—to be placed on the Official Index
- (u) *Idia* Wiedemann, 1820 (Diptera); *Idia* Fieber, 1866 (Hemiptera)—to be placed on the Official Index.
- (v) Jaspidia Boisduval, 1840, cited by Neave is the same generic concept as Jaspidia Hübner, 1822.
- (z) Nereis Conrad, 1860 (Mollusca); Nereis Warren, 1908 (Lepidoptera)—to be placed on the Official Index.
- (aa) Oreas Montfort, 1808 (Protozoa); Oreas Desmarest, 1822 (Mammalia); Oreas Agassiz, 1846 (Aves); Oreas Felder, 1865 (Lepidoptera)—all to be placed on the Official Index.
  - Haetera Doubleday, 1845, cited by Neave is the same generic concept as Haetera Fabricius, 1807.
  - (II) Xanthia Fairmaire, 1893 (Coleoptera)—to be placed on the Official Index. The above information was given to Commissioners at the time of voting.

## DECISION OF THE COMMISSION

On 10 March 1966 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (66)21 either for or against

proposals in para. 1(a)–(c) in *Bull. zool. Nomencl.* 21:58, with the addition to the Official Index of certain junior homonyms as set out on a sheet attached to the Voting Paper (see above). At the close of the prescribed voting period on 10 June 1966 the state of the voting was as follows:

Affirmative votes—seventeen (17), received in the following order: China, Boschma, Lemche,\* Mayr, Binder,\* Simpson, Uchida, Obruchev, Bonnet, Jaczewski, Vokes, Forest, Alvarado, Kraus, Mertens, Evans, do Amaral.

Negative votes—three (3): Holthuis, Tortonese, Sabrosky.

Voting Papers not returned—three (3): Hubbs, Munroe, Ride.

Commissioners Brinck and Stoll returned late affirmative votes. The following comments were made by Commissioners in returning their votes:

Dr. L. B. Holthuis (16.iii.66): "In voting against the proposal of Dr. Nye I do so because Dr. Nye and others have only brought forward some arguments in favour of considering Hübner's (1808) pamphlet 'Erste Zuträge...' a printer's proof and therefore not a publication. However, all these arguments are rather feeble and certainly no definite proof has been given for their contention. In this way there will always remain dispute about the fact whether or not this publication was legally put on the Index. Dr. Nye's objective would have been more satisfactory, and much more easily attained, had he simply requested the suppression of the pamphlet under the plenary powers of the Commission."

Dr. H. Lemche (4.iv.66): "In the past, much confusion has arisen from gross adoption of names not sufficiently scrutinized before being proposed. In the present case, even a number of names relating to other phyla are proposed for addition to the Official List and Index, without a single word on the interesting question as to whether these names are wanted or not by the specialists in these

groups."

Dr. G. G. Simpson (18.iv.66): "The great amount of labour put into this case by Berio is to be appreciated, but his historical and legalistic points seem to me to be less important than the always overriding consideration of stability."

Mr. C. W. Sabrosky (6.vi.66): "It does not appear to me to be conclusively proved that the Erste Zuträge was not published, and as long as the possibility exists that it might have been published I cannot in good conscience vote to

regard it as unpublished.

"Whether it should be suppressed is a different question. Opinion is divided, obviously, and a decision either way will upset some usage. Equally obviously, divided usage does not contribute to stability and universality, and some action is imperative. I am informed that more upsetting and far reaching changes would be required by acceptance of the *Erste Zuträge* than by its rejection. Accordingly I would support use of the plenary powers to suppress it, to avoid what Hardwick has aptly described as 'disruptive changes in a presently fairly stable interpretation of names.'

"I agree strongly with the comment of Todd on (1) (b) (Bull. zool. Nomencl. 21: 335). En masse placement of names on Official Lists may unwittingly borrow trouble for the future, even though Nye's work on these names appears

to be admirably thorough and careful."

<sup>\*</sup> An affirmative vote in part only. See below.

Dr. P. Brinck (14.vi.66): "Dr. Nye's detailed examination of the case means a stable basis for a decision. In spite of the fact that I was impressed by some of the objections presented in the Bulletin. I feel a positive decision as proposed by Dr. Nye is the better way."

Dr. E. Binder (18.iv.66): "I vote in favour of 1(a) and (c) and against 1(b)." Since a number of Commissioners declared themselves against the addition of names to the Official List in the present case, it was decided, in consultation with Dr. Nye, that that part of his application should be withdrawn. The name of the genus Hypercompe Hübner, [1819], the type-species of which has been designated by the Commission under the plenary powers, however, must be placed on the List.

## ORIGINAL REFERENCES

The following are the original references for names placed on Official Lists and Index by the Ruling given in the present Opinion: Achatia Hübner, 1808, Erste Zutr, Samml, exot, Schmett.: 4, 6 Agrotis Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4 Apatele Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 5 Ascalapha Hübner, 1808, Erste Zutr, Samml, exot, Schmett.: 4-6 Blephara Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4 Blepharidia Püngeler, 1900, Dtsch. ent. Z. 13: 122 Blepharum Hübner, 1808, Erste Zutr, Samml, exot, Schmett.: 4 Chrysaor Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4 Chrysaor Hübner, [1809], Samml. exot. Schmett. 1: pl. [161] Diphthera Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4 Diphthera Sluiter, 1888, Natuurk. Tijdschr. Nederl, Ind. 48: 233 Elasmia Hübner, 1822, Syst.-alph. Verz.: 62 Elasmion Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 6 Epirrita Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4 Erastria Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 5 Erastria Ochsenheimer, 1816, Schmett. Europa 4:92 Erpyzon Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4, 5 Euclidia Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 3 Glaea Curtis, 1829, Brit. Ent. 6: 268 Glaucopis Bonaparte, 1854, Ann. Sci. nat., Paris (Zool.) (4) 1 (3): 137 Glaucopis Fabricius, 1807, Mag. f. Insektenk. (Illiger) 6: 289 Glaucopis Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 3, 4, 5, 6 Gloee Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4, 5 Hamadryas Albers, 1850, Die Heliceen: 155 Hamadryas Boisduval, 1832, in d'Urville, Voy. "Astrolabe", Ent. 1:91 Hamadryas Cantor, 1838, Proc. zool. Soc. Lond. 6:73 Hamadryas Clemens, 1864, Proc. ent. Soc. Philad. 2: 422 Hamadryas Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4 Hamadryas Lesson, 1840, Spec. Mamm.: 107 Hamadryas Mikan, 1821, Del. Brasil.; expl. pl. [2] Heliaca Herrich-Schäffer, [1851], Syst. Bearbeit, Schmett, Europ, 2: 370 Heliaca Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 5 Heliothis Hübner, 1808, Erste Zutr, Samml, exot, Schmett.: 5

Hipocrita Hübner, 1808, Erste Zutr. Samml, exot. Schmett.: 4, 5 Hipocrita Hübner, [1810], Samml. exot. Schmett. 1: pl. [189] Hypocrita Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4 Hypocrita Saussure, 1868, Rev. Mag. Zool. (2) 20:99 Hypercompe Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 3 Hypercompe Hübner, [1819], Samml. exot. Schmett. 1: pl. [191] icasia, Phalaena, Cramer, 1777, Uitl. Kapellen 2: 130, pl. 181, fig. E Idia Fieber, 1866, Verh. zool.-bot. Ges. Wien 16: 509 Idia Hübner, 1808, Erste Zutr, Samml, exot, Schmett.: 5 Idia Lamouroux, 1816, Hist. Polyp.: 199 Idia Wiedemann, 1820, Nov. Dipt. Gen.: 21 Jaspidia Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4, 5 Mancipium Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4, 5 Najas Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 3 Nereis Conrad, 1860, J. Acad. nat. Sci. Philad. (2) 4: 289 Nereis Hübner, [1806], Samml. exot. Schmett. 1: pl. [1], [2], [5-8], [12], [15] Nereis Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4-6 Nereis Warren, 1908, Proc. U.S. nat. Mus. 34 (1601): 110 Oreas Agassiz, 1846, Nomencl. zool. Index Univ. Oreas Desmarest, 1822, Ency. méth. (Mamm.) 2:471 Oreas Hübner, [1807], Samml. exot. Schmett. 1: pl. [82] Oreas Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 3 Oreas Montfort, 1808, Conch. syst. Class. méth. Coquilles 1:94 Palpita Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 5, 6 Petrophora Hübner, 1808, Erste Zutr. Samml, exot. Schmett.: 5 Prophyla Hübner, 1808, Erste Zutr, Samml, exot, Schmett.: 4 Ptilodon Hübner, 1808, Erste Zutr, Samml. exot. Schmett.: 4 Rusticus Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 5, 6 Sphecomorpha Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 4 Terpne Hübner, 1808, Erste Zutr. Samml. exot. Schmett.: 6 Tetrachila Hübner, 1808, Erste Zutr, Samml, exot. Schmett.: 5 Tribonophora Hübner, 1808, Erste Zutr, Samml, exot, Schmett.: 5 Xanthia Fairmaire, 1893, Ann. Soc. ent. France 62:31 Xanthia Hübner, 1808, Erste Zutr, Samml, exot, Schmett.: 4

#### CERTIFICATE

We certify that the votes cast on Voting Paper (66)21 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 789.

G. OWEN EVANS Secretary W. E. CHINA Assistant Secretary

International Commission on Zoological Nomenclature

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22 June 1966